

10/557749

IAF15 Rec'd PCT/PTO 18 NOV 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LEE DAVID PROCTOR, et al.

Serial No.: Unknown

Filed: Filed Herewith

For: CATALYTIC COMPOSITION AND PROCESS FOR ASYMMETRIC  
HYDROGENATION

Attorney Docket No.: WPTL0104PUSA

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97(b)(1)**

MAIL STOP PCT  
Commissioner for Patents  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and §§ 1.97-1.98, the references listed and identified on the attached Forms PTO/SB08A and/or SB08B are being submitted herewith for consideration by the Examiner. This Statement is being filed in accordance with 37 C.F.R. § 1.97(b)(1).

While this Statement is being filed in compliance with the duty of disclosure, citation of the listed references is not to be construed as an admission that any of the references are "material" as defined under 37 C.F.R. § 1.56(b).

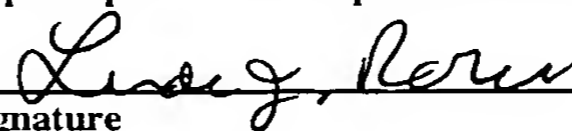
**CERTIFICATION UNDER 37 C.F.R. § 1.10 (EXPRESS MAIL)**

I hereby certify that this paper, including all enclosures referred to herein, is being deposited on the below date with the United States Postal Service in an envelope as 'Express Mail Post Office to Addressee' addressed to: MAIL STOP PCT, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

EV 125 577 707 US  
Express Mail Label No.

November 18, 2005  
Date of Deposit

Linda J. Robb  
Type or print name of person mailing paper

  
Signature

Serial No. Unknown


Atty. Docket No. WPTL0104PUSA

No copies of the listed U.S. patent references or the listed U.S. patent application publication references have been included herewith pursuant to 37 C.F.R. § 1.98(a)(2). All other references have been provided as required. Consideration and entry into the record of the listed references is respectfully requested.

Respectfully submitted,

LEE DAVID PROCTOR, et al.

Date: November 18, 2005

By:   
William G. Abbatt  
Reg. No. 31,936  
Attorney/Agent for Applicant

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22<sup>nd</sup> Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400; Fax: 248-358-3351

Substitute for Form 1449A/PTO

*(use as many sheets as necessary)*

WPTL0104PUSA

3

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Substitute for Form 1449B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	FILED HEREWITH <b>30/557749</b>
				Filing Date	FILED HEREWITH
				First Named Inventor	LEE DAVID PROCTOR, et al.
				Group Art Unit	UNKNOWN
				Examiner Name	UNKNOWN
Sheet	2	of	3	Attorney Docket Number	WPTL0104PUSA

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials <sup>*</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		RATOVELOMANANA-VIDAL, V. et al, "Enantioselectivity hydrogenation of beta-keto esters using chiral diphosphine-Ruthenium complexes: optimisation for academic and industrial purposes and synthetic application" ADV. SYNTH. CATAL., Vol. 345, (01-21-2003), pp. 261-274, XP002290486, page 262, right-hand column - page 265, left-hand column	
		KING S A et al., "An Improved Procedure For The Synthesis And Use Of ARUCL2(BINAP)U2.NET3. DEPENDENCE OF THE RU(II)-BINAP CATALYZED ASYMMETRIC HYDROGENATION OF BETA-KETO ESTERS ON TRACE AMOUNTS OF ACID"; Journal of Organic Chemistry, American Chemical Society, Easton US, Vol. 57, 1992, PP. 6689-6691, xp001121706, ISSN: 0022-3263; PP. 6689-6690, right-hand column, paragraph 1	
		KITAMURA, M, et al., "A Practical Asymmetric Synthesis Of Carnitine"; Tetrahedron Letters, Elsevier Science Publishers, Amsterdam, NL, Vol. 29, No. 13, 1988, pp. 1555-1556; XP001033752; ISSN: 0040-4039, cited in the application, the whole document	
		GENET J P et al., "Enantioselective hydrogenation reactions with a full set of preformed and prepared in situ chiral diphosphine-ruthenium(II) catalysts"; Tetrahedron: Asymmetry, Elsevier Science Publishers, Amsterdam, NL, Vol. 5, No. 4, 1994, pp. 675-690; XP002249781; ISSN: 0957-4166; p. 681, para. 1, page 682, para 1; pp 683-688, tabs. 5, 6, 5-2	
		ZHOU, Y-G, et al., "Highly Effective Chiral Ortho-Substituted Binapo Ligands 90micron-Binapo): Applications In Ru-Catalyzed Assymetric Hydrogenations of Beta-Aryl-Substituted-Beta-(Acylamino)Acrylates and Beta-Keto Esters"; J Am Chem Soc, Washington, D.C., US, Vol. 124, 8 March 2002 (2002-03-08), pp. 4952-4953; XP001106877; ISSN: 0002-7863; the whole document	
		KITAMURA, M., et al., "Convenient preparation of BINAP-Ruthenium(II) Complexes Catalyzing Asymmetric Hydrogenation of Functionalized Ketones"; Tetrehedron letters, Vol. 32, No. 33, pp. 4163-4166, 1991; 0040-4039/91, Pergamon Press	
		PAVLOV, V.A., et al., "Enantioselective hydrogenation of $\beta$ -keto esters catalyzed by chiral binaphthylbisphosphine ruthenium complexes; Russian Chemical Bulletin, Vol. 49, No. 4, April, 2000; 2000 Kluwer Academic/Plenum Publishers	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Substitute for Form 1449B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	FILED HEREWITH <b>30/557749</b>
				Filing Date	FILED HEREWITH
				First Named Inventor	LEE DAVID PROCTOR, et al.
				Group Art Unit	UNKNOWN
				Examiner Name	UNKNOWN
Sheet	3	of	3	Attorney Docket Number	WPTL0104PUSA
<b>OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS</b>					
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T <sup>2</sup>
		Notification of Transmittal of the International Search Report and The Written Opinion Of the International Searching Authority, International Appl'n No. PCT/GB2004/001755; Int'l Filing Date: April 26, 2004			
		DAVEY, Peter (Examiner), The Patent Office, Search Report under Section 17(5) dated 7 October 2003			
		AGER, David J., "Reductions of 1,3-dicarbonyl systems with ruthenium-biarylphosphine catalysts; Tetrahedron: Asymmetry, Vol. 8, No. 20, pp. 3327-3355. 1997 Published by Elsevier Science Ltd.			

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.